

REMARKS

Claims 1-43 were previously pending in this reissue application, with Claims 1, 21 and 40 being the sole independent claims. Claims 3-5, 22-24, 26-27, 30-31, 34-35 and 38-39 have been canceled by way of this Response. Therefore, Claims 1-2, 6-21, 25, 28-29, 32-33, 36-37 and 40-43 are now under consideration. The claims were discussed with Examiner Singh during a personal interview with the inventor (Ramesh Keshavaraj) and Applicant's representative on July 28, 2004. The Examiner's courtesy and consideration during the interview are acknowledged with appreciation.

During the interview, the pending rejections under 35 USC 102(e) /103(a) over U.S. Patent No. 5,989,660 to Moriwaki were discussed, along with the perceived failure of the previously-submitted Declaration Under 1.132 to fully support the arguments presented traversing the rejections. Specifically, the Examiner stated that "Applicant is not comparing apples to apples. Applicant is not using the same test methods to arrive at their deductions, and thus has not established an equal comparison. (Official Action, pages 3-4.)

The independent claims (Claims 1, 21 and 40) have been amended to recite among other things, that the fabric substrate has a cover factor below about 1600 and comprises yarns from about 100 to about 630 denier (claims 1 and 21), and fibers having deniers equal to or less than 525 (claim 40). As discussed in the interview, the Moriwaki patent provides examples directed to fabrics with a cover factor in excess of 2100, though recites in a claim that the cover factor can be 1700-2500. Applicant's claims recite a cover factor below about 1600; therefore, Moriwaki fails to disclose this feature. In addition, the claimed range is below even the broad range specified by Moriwaki; therefore it is also maintained that Moriwaki fails to suggest a fabric like that set forth in Applicant's claims.

The Moriwaki et al. patent describes the reduction of air permeability in a high cover factor fabric by applying a coating of less than 10 µm. All of the examples that are disclosed in the patent have fabric with a cover factor in excess of 2100. Because the coating is less than 10 µm, the resultant fabric does not achieve as low air

permeability as achieved in the instant invention (which approximates zero.) Therefore, it is maintained to Moriwaki fails to disclose or suggest the claimed invention.

In addition, a Supplemental Affidavit of Dr. Ramesh Keshavaraj has been filed concurrently herewith, in order to include the apples-to-apples comparison data requested by the Examiner. As noted, the air permeability achieved by Moriwaki was 11 as compared with the approximately zero air permeability of the fabric of the present invention.